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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,884	08/06/2003	Makoto Katase	109115.01	7542

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OLIFF & BERRIDGE PLC
P.O. Box 19928
Alexandria, VA 22320

EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/634,884	Applicant(s) KATASE, MAKOTO	
	Examiner Sajous Wesner	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-19, 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the amendment and response dated February 6, 2007. Claims 7-9, and 11-22 are presented for examination.

Response to Arguments

1. Applicant's arguments with respect to claims 7-9, and 11-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9, 11-15, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara et al. (US 6486866) in view of Miura et al. (US 20050012981).

Considering claims 7, and 19, Kuwahara discloses most claimed features of the invention, as set forth in the previous Office Action (6/20/06), but fails to teach that each of the particles are being colored only one color.

Miura discloses a plurality of particles each of which is being colored only one color (i.e., white particles 2. See paragraph 329).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display device of Kuwahara to include a display device with particles each of the particles are being colored only one color, in the same conventional manner as taught by Miura; in order to provide a white display when the display device is moved to a first electrodes and is subjected to a negatively charged voltage.

In regard to claims 8, 20, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the cells have a cell of which particles are colored red, a cell of which particles are colored green, and a cell of which particles are colored blue. See col. 3 lines 32-42.

In regard to claims 9, 22, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the dispersion medium included in each cell is substantially colored black, col.3 lines 64-67.

In regard to claim 11, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the dispersion medium included in each cell is colored so as to be complementary to the particles included in the dispersion medium of each cell. See col. 7 lines 60-67.

In regard to claim 12, Kuwahara teaches an electrooptical device comprising: a plurality of pixel elements, wherein the particles included in each of the cells are of a single color. See col.3 lines 64-67.

In regard to claim 13, Kuwahara teaches an electrooptical device comprising an electrooptical layer between electrodes, wherein the electrooptical layer has a plurality

of cells (micro-capsule) each including a dispersion medium and particles contained in the dispersion medium, and the plurality of cells form one pixel. See Fig. 14, col. 30 lines 1-10.

In regard to claim 14, Kuwahara teaches an electrooptical device comprising an electrooptical layer between electrodes, wherein the particles are colored differently from each other between the cells. See col.30 lines 27-40.

In regard to claim 15, Kuwahara teaches an electrooptical device is incorporated as a display. See col. 29, lines 55-60.

In regard to claim 21, Kuwahara teaches an electrooptical device, the second color being selected from a group including cyan, magenta and yellow. See col. 16 lines 60-65.

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara et al. (US 6486866) in view of Yamaguchi et al. (US 6407763).

In regard to claim 16, Kuwahara discloses most claimed features of the invention, as set forth in the previous Office Action (6/20/06), but he fails to teach that a first particle of a first color having a charge that is inverse of the charge of a second particle.

Yamaguchi discloses a first particle of a first color having a charge that is inverse of the charge of a second particle (neutralized particles of different colors by exchanging the charge. See col. 25, lines 44-46). See also col. 26, lines 18-28.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display device of Kuwahara to include a first

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particle of a first color having a charge that is inverse of the charge of a second particle, in the same conventional manner as taught by Yamaguchi; in order to neutralized the particles of different colors.

In regard to claim 17, Kuwahara teaches an electrooptical device comprising electrodes which sandwich a plurality of micro-capsules, wherein the first color is selected from a group including red, green and blue, and the second color is selected from a group including cyan, magenta and yellow. See col. 26 lines 35-54 and col.30 lines 26-40.

Claim 18 contains features that are analogous to the limitations recited in claim 16. As the limitations of claim 16 as been found obvious over the combined teaching of Kuwahara and Yamaguchi; it is readily apparent that the applied prior art performs the underlying elements. As such, the limitations of claim 18 are, therefore, rejected under the same rationale as claim 16.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are as recited in the PTOL-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on M-F 9:15-6:45.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sajous Wesner
Primary Examiner
Art Unit 2628

WS
4/6/07